

By: Taylor of Collin

S.B. No. 1706

A BILL TO BE ENTITLED

AN ACT

relating to forcing or coercing a child to enter into a marriage.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 71.004, Family Code, is amended to read as follows:

Sec. 71.004. FAMILY VIOLENCE. "Family violence" means:

(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;

(2) abuse, as that term is defined by Sections 261.001(1)(C), (E), (G), (H), (I), (J), ~~and~~ (K), and (M), by a member of a family or household toward a child of the family or household; or

(3) dating violence, as that term is defined by Section 71.0021.

SECTION 2. Section 261.001(1), Family Code, is amended to read as follows:

(1) "Abuse" includes the following acts or omissions by a person:

(A) mental or emotional injury to a child that results in an observable and material impairment in the child's

1 growth, development, or psychological functioning;

2 (B) causing or permitting the child to be in a
3 situation in which the child sustains a mental or emotional injury
4 that results in an observable and material impairment in the
5 child's growth, development, or psychological functioning;

6 (C) physical injury that results in substantial
7 harm to the child, or the genuine threat of substantial harm from
8 physical injury to the child, including an injury that is at
9 variance with the history or explanation given and excluding an
10 accident or reasonable discipline by a parent, guardian, or
11 managing or possessory conservator that does not expose the child
12 to a substantial risk of harm;

13 (D) failure to make a reasonable effort to
14 prevent an action by another person that results in physical injury
15 that results in substantial harm to the child;

16 (E) sexual conduct harmful to a child's mental,
17 emotional, or physical welfare, including conduct that constitutes
18 the offense of continuous sexual abuse of young child or children
19 under Section 21.02, Penal Code, indecency with a child under
20 Section 21.11, Penal Code, sexual assault under Section 22.011,
21 Penal Code, or aggravated sexual assault under Section 22.021,
22 Penal Code;

23 (F) failure to make a reasonable effort to
24 prevent sexual conduct harmful to a child;

25 (G) compelling or encouraging the child to engage
26 in sexual conduct as defined by Section 43.01, Penal Code,
27 including compelling or encouraging the child in a manner that

1 constitutes an offense of trafficking of persons under Section
2 20A.02(a)(7) or (8), Penal Code, prostitution under Section
3 43.02(b), Penal Code, or compelling prostitution under Section
4 43.05(a)(2), Penal Code;

5 (H) causing, permitting, encouraging, engaging
6 in, or allowing the photographing, filming, or depicting of the
7 child if the person knew or should have known that the resulting
8 photograph, film, or depiction of the child is obscene as defined by
9 Section 43.21, Penal Code, or pornographic;

10 (I) the current use by a person of a controlled
11 substance as defined by Chapter 481, Health and Safety Code, in a
12 manner or to the extent that the use results in physical, mental, or
13 emotional injury to a child;

14 (J) causing, expressly permitting, or
15 encouraging a child to use a controlled substance as defined by
16 Chapter 481, Health and Safety Code;

17 (K) causing, permitting, encouraging, engaging
18 in, or allowing a sexual performance by a child as defined by
19 Section 43.25, Penal Code; ~~[or]~~

20 (L) knowingly causing, permitting, encouraging,
21 engaging in, or allowing a child to be trafficked in a manner
22 punishable as an offense under Section 20A.02(a)(5), (6), (7), or
23 (8), Penal Code, or the failure to make a reasonable effort to
24 prevent a child from being trafficked in a manner punishable as an
25 offense under any of those sections; or

26 (M) forcing or coercing a child to enter into a
27 marriage.

1 SECTION 3. Subchapter D, Chapter 261, Family Code, is
2 amended by adding Section 261.318 to read as follows:

3 Sec. 261.318. INVESTIGATION OF PENDING FORCED OR COERCED
4 MARRIAGE. The department shall make a prompt and thorough
5 investigation of a report of a child being forced or coerced into
6 entering a marriage. The department may remove the child from the
7 child's home and place the child in substitute care as provided by
8 this subtitle if the department determines that removal and
9 substitute care are in the best interest of the child and necessary
10 to prevent the pending forced or coerced marriage.

11 SECTION 4. This Act takes effect September 1, 2017.